

August 28, 2024

**VIA ECF**

Hon. Arun Subramanian  
U.S. District Court S.D.N.Y.  
500 Pearl Street  
New York, New York 10007

**Re: *Nike, Inc. v. lululemon usa, inc.* (Case No. 1:23-cv-00771-AS)  
*Joint Letter Motion to Strike Erroneous Filings***

Dear Judge Subramanian,

It recently came to the parties' attention that Nike's summary judgment motion (ECF No. 152) and opposition to lululemon's summary judgment motion (ECF No. 175) attached an exhibit (ECF Nos. 152-12, 175-12) containing information that lululemon had previously clawed back as inadvertently produced privileged information pursuant the Protective Order (ECF No. 54). On August 26, 2024, Nike filed corrected form versions of ECF Nos. 152 and 175 at ECF Nos. 206 and 208, respectively, which substitute a corrected version of ECF Nos. 152-12 and 175-12 redacting out the clawed back information. There are no other differences between ECF Nos. 152 and 175 and ECF Nos. 206 and 208. Nike additionally filed motions to seal (ECF Nos. 205 and 207) contemporaneously with ECF Nos. 206 and 208.

The parties, by and through undersigned counsel, jointly request that the Court strike ECF Nos. 152 and 175 from the docket, and substitute corrected form versions ECF Nos. 206 and 208 in their place. Provided the Court grants this request to strike, the parties further request that the Court deny as moot Nike's corresponding motions to seal (ECF Nos. 139, 171).

The parties' joint requests are GRANTED. The Clerk of Court is directed to strike ECF Nos. 152 and 175 from the docket. ECF No. 206 is substituted in the place of ECF No. 152, and ECF No. 208 is substituted in the place of ECF No. 175. Plaintiff's motions to seal at ECF Nos. 139 and 171 are DENIED as moot.

The Clerk of Court is directed to terminate the motions at ECF Nos. 139, 171, and 212.

SO ORDERED.



Arun Subramanian, U.S.D.J.  
Date: August 28, 2024

Best Regards,

/s/ Lindsey C. Staubach  
Lindsey C. Staubach

*Counsel for Plaintiff Nike, Inc.*

/s/ Ali S. Razai (w/ permission)  
Ali S. Razai

*Counsel for Defendant lululemon usa inc.*